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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/542,640

04/03/2000

Frank J. Koch

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4650

7590

02/10/2005

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EXAMINER

VO, HIEN XUAN

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/542,640

Applicant(s)

KOCH ET AL.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30, 32-38 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30, 32-38 and 46-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 21 rejected under 35 U.S.C. 102(b) as being anticipated by "Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin (01/19/1998).

With respect to claims 1-2, 21, Peter Baldwin discloses a coating thickness data analyzer Elcometer 365 including obtaining a plurality of coating thickness values with a probe electrically connected to an electronic memory, recording in electronic memory the plurality a coating thickness values and recording in the electronic memory a plurality of descriptive data (see e.g. Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-10, 16, 22-23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin.

With respect to claims 3-10, 16, 22-23, 26 Peter Baldwin discloses the invention as claimed except for teaching PCMCIA memory card, the descriptive text data, transforming text handwritten on a computer screen and displaying a plurality of indicia on a graph on a video display screen. However, interfacing equipment with conventional computer using PCMCIA cards was known at the time the application was filed. Text is just one of a number of convenient forms of presenting data and the most convenient form for human operator. Therefore, it would be obvious to those of ordinary skill in the art to consider well known PCMCIA memory card and a known way of interfacing equipment with conventional computer and The Elcometer 3xx series when used in conjunction with the EDCS system and the Dataputer system also enable coating thickness values to be stored in conjunction with descriptive data unit as well as enabling the data to be displayed graphically and text format.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlesinger (US No.4,079,237) further in view of Koch (US No. 5,293,132).

With respect to claims 11-12, Schlesinger discloses the invention as claimed except the probe comprises an LC oscillator. However, Koch discloses a coating

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thickness measurement gauge which includes an LC oscillator probe and counter for measures a frequency of LC oscillator (see fig. 3). Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to substitute an LC oscillator probe in the Geiger tube probe in the thickness measuring instrument of Schlesinger because the gauge is able to measure the thickness coatings on magnetic and non-magnetic substrates through use of the same probe assembly.

With respect to claims 13-14, Schlesinger discloses the invention as claimed except teaching the probe which comprises a permanent magnet, a Hall sensor, and eddy current search coil. However, Koch et al disclose a combination coating thickness gauge which includes a permanent magnet, eddy current search coil and Hall effect magnetic sensor (see fig.6). Therefore, it would have been obvious to one ordinary skill in the art at the time of invention was made to combine the teaching of Schlesinger with those of Koch et al. since Koch et al. teach a combination coating thickness gauge which may have been incorporated into any apparatus for measuring a coating thickness.

Claim 15 is rejected under 35 U.S.C. 103 as being unpatentable over Schlesinger (US No. 4,079,237) further in view of Nix (US No. 5,467,014).

With respect to claim 15, Schlesinger discloses the invention as claimed except teaching the probe includes means for discriminating between a ferrous and a nonferrous substrate. However, this feature is old and well known in the art at the time of invention was made. For example, Nix suggest a device for measuring the thickness

of a layer or coating on a ferrous and/or non-ferrous substrate (see at least abstract). Therefore, it would have been obvious to combine the teaching of Schlesinger in the device of Nix for improved the cost and particular handling of this device.

Claims 17-20 are rejected under 35 U.S.C. 103 as being unpatentable over Schlesinger (US No. 4,079,237) further in view of Rosenberg et al. (U.S. patent No. 6,429,846).

With respect to claims 17-20, Schlesinger disclose the invention as claimed except for teaching a touch-sensitive screen and pointed writing instrument for entering the descriptive data. However, Rosenberg et al. disclose a haptic feedback for touchpads and other touch controls including a touch-sensitive screen, pointed writing for entering the descriptive data to portable instrument (see e.g. col. 2, lines 20-40) and the portable unit comprises a GUI, microprocessor, memory and can connect to a computer via many ways such as USB, firewire, wireless or a standard serial bus (see e.g. col. 5, lines 32-40 and col. 6, lines 32-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a touchpads and other touch controls of Rosenberg et al. in the thickness system of Schlesinger provide a human interface with electronic and mechanical devices in a variety of application and the need for a more natural easy-to-use.

With respect to claims 23-30, 32-38 and 46-50, the limitations of these claims have been noted in the rejection above. They are therefore consider rejected as set forth above.

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4. Applicant's arguments with respect to claims 1-30 and 32-38 and 46-50 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo  
02/07/05

  
John Barlow  
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